

CHAPTER 2

REVIEW BODIES AND ADMINISTRATOR

2.1 Board of Commissioners

- A. Powers and Duties. The Board of Commissioners shall have decision-making authority on the following requests:
1. Amendments to the UDO text and the Zoning Map;
 2. Conditional Use Permits;
 3. Conditional Rezoning;
 4. Vested Rights;
 5. Extra-Territorial Jurisdiction (ETJ) Expansions;
 6. Public Road Additions and Closures; and
 7. Amendments to the comprehensive land use plans for Moore County.
- B. Quasi-Judicial Appeal to Courts. Quasi-judicial decisions shall be subject to review at the request of any person who has standing as detailed within 160A-388(e2) and NCGS 160A-393 by the Superior Court by proceedings in the nature of certiorari. The appeal to the Superior Court must be filed within 30 days of the filing of the Board Order with the Clerk to the Board and the delivery of the Board Order. When first-class mail is used to deliver the Board Order, 3 days shall be added from the mailing date to the 30 day time allowed to file the appeal.
- C. Legislative Appeals to Courts. Legislative decisions made by the Board of Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party, as detailed within NCGS 153A-348, by the Superior Court. The appeal to the Superior Court must be filed from the date of adoption of said Ordinance within the prescribed period below:
1. 60 days in cases involving the appeal of a Zoning Map amendment;
 2. 1 year (365 days) in cases involving the appeal of a UDO text amendment;
 3. 3 years (1,035 days) in cases involving an appeal based on an alleged defect in the adoption process of an Ordinance amending the UDO.
 4. 10 years when a use constituting a violation in existence prior to adoption of this ordinance creating the violation, and that use is grandfathered and subsequently terminated for any reason, a county shall bring an enforcement action within 10 years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety.
- D. Extra-Territorial Jurisdiction (ETJ) Expansions. Per NCGS 160A-360, a request by the municipality should include a parcel map and municipal approval of the proposed ETJ

expansion. The Planning Board and Board of Commissioners shall hold public hearings. Notice of the public hearings shall be published in a newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing. The Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s) and the owner(s) of the parcel(s) of land shown on the County tax records at least 10, but not more than 25 days, prior to the date of each public hearing. If approved, a resolution approving an agreement between the County of Moore and the municipality must be signed by the Chairman of the Board of Commissioners, approving the ETJ expansion.

2.2 Planning Board

- A. Powers and Duties. The Planning Board shall have all the powers and authority pursuant to NCGS 153A-321 and 153A-322 and shall perform any related duties as directed by the Board of Commissioners. The Planning Board shall make recommendations of the following requests:

1. Amendments to the UDO text and the Zoning Map;
2. Conditional Use Permits;
3. Conditional Rezoning;
4. Public Road Closures; and
5. Amendments to the comprehensive land use plans for Moore County.

The Planning Board shall act as the Watershed Review Board and have decision-making authority of the following requests:

1. Special Non-Residential Intensity Allocations (SNIA);
2. Watershed Density Averaging Certificate;
3. Public Health and/or Water Quality Abatement; and
4. Watershed Variances.

- B. Rules of Procedure. Rules, Membership, Composition, and Meetings shall be conducted in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

2.3 Subdivision Review Board

- A. Powers and Duties. The Subdivision Review Board shall have all the powers and authority pursuant to NCGS 153A-332 and shall perform any related duties as directed by the Board of Commissioners. The Subdivision Review Board shall have decision-making authority on the following requests:

1. Major Preliminary Subdivision Plats; and
2. Subdivision Regulation Waivers.

- B. Rules of Procedure. Rules, Membership, Composition, and Meetings shall be conducted in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.

2.4 Board of Adjustments

- A. Powers and Duties. The Board of Adjustments shall have all the powers and authority pursuant to NCGS 160A-388 and NCGS 153A-345.1 and shall perform related duties as directed by the Board of Commissioners. The Board of Adjustments shall have decision-making authority on the following requests:
 - 1. Variances;
 - 2. Reasonable Accommodation;
 - 3. Floodplain Variances; and
 - 4. Administrative Appeals.
- B. Rules of Procedure. Rules, Membership, Composition, and Meetings shall be conducted in accordance with the by-laws and/or rules of procedures adopted by the Board of Commissioners.
- C. Quasi-Judicial Appeal to Courts. Quasi-judicial decisions made by the Board shall be appealed to Superior Court pursuant to Section 2.1(B).

2.5 Administrator

- A. Powers and Duties. Except as otherwise specifically provided, the Planning Director, and his/her designees, are appointed to serve as the “Administrator” of this UDO. The term “Staff” or “Planning Staff” may be used interchangeably with the term “Administrator.” The Administrator shall have the following powers and duties:
 - 1. Administration and enforcement of the provisions of this UDO;
 - 2. Zoning Permit Approvals;
 - 3. Floodplain Development Permit Approvals;
 - 4. Minor Subdivision Plat Approvals;
 - 5. Family Subdivision Plat Approvals;
 - 6. Exemption Plat Approvals;
 - 7. Major Final Subdivision Plat Approvals;
 - 8. Water Supply Watershed Approvals; and
 - 9. Administrative Variance Approvals.